

**UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

ANITA POTTS

Plaintiff

V.

ALPHA RECOVERY
CORPORATION,
Defendant

Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

(Unlawful Debt Collection Practices)

COMPLAINT

ANITA POTTS (“Plaintiff”), by her attorneys, KIMMEL & SILVERMAN,
P.C., alleges the following against ALPHA RECOVERY CORPORATION,
 (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

1 personal, family, or household purposes.

2 12. Beginning in or around July 2015, and continuing through September
3 2015, Defendant, through its collectors, placed repeated harassing telephone calls
4 to Plaintiff's cellular telephone number seeking to collect this alleged debt.
5

6 13. Defendant's harassing debt collection calls derived from numbers
7 including, but not limited to 215-600-4471. The undersigned has confirmed that
8 this number belongs to the Defendant.
9

10 14. On numerous occasions, Defendant's representatives called Plaintiff
11 multiple times per day.

12 15. On several occasions, Plaintiff spoke with Defendant and told them to
13 stop calling her cellular telephone.
14

15 16. Plaintiff also specifically stated at that time that she could not afford to
16 make any payments as she was unemployed.

17 17. In response, Defendant replied that "the calls would continue until the
18 debt is paid".
19

20 18. Once Defendant knew that its calls were unwanted and that Plaintiff
21 could not afford to pay the debt the only purpose for continued calls was
22 harassment.
23

24 19. On several occasions, Plaintiff received calls from Defendant
25 immediately after ending a call with Defendant.

1 20. Further, after Defendant continued to call Plaintiff repeatedly on her
2 cellular telephone, Plaintiff was forced to block calls from Defendant's phone
3 numbers.
4

5 21. Defendant's actions as described herein were made with the intent to
6 harass, upset and coerce payment from Plaintiff.
7

8 **COUNT I**
9 **DEFENDANT VIOLATED §1692d OF THE FDCPA**

10 22. A debt collector violates §1692d of the FDCPA by engaging in
11 conduct the natural consequence is to harass, oppress, or abuse any person in
12 connection with the collection of a debt.

13 23. Defendant violated §1692d when it placed repeated and harassing
14 telephone calls to Plaintiff and continued to place repeated harassing telephone
15 calls after Plaintiff requested calls stop.
16

17 **COUNT II**
18 **DEFENDANT VIOLATED §1692d(5) OF THE FDCPA**

19 24. A debt collector violates §1692d(5) of the FDCPA by causing a
20 telephone to ring or engaging any person in telephone conversation repeatedly or
21 continuously with the intent to annoy, abuse or harass any person at the called
22 number.
23
24
25

1 25. Defendant violated §1692d(5) of the FDCPA when it placed repeated
2 and harassing telephone calls to Plaintiff and continued to place repeated harassing
3 telephone calls after Plaintiff requested calls stop.
4

5 WHEREFORE, Plaintiff, ANITA POTTS, respectfully pray for a judgment
6 as follows:

- 7 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §
8 1692k(a)(1);
9
10 b. Statutory damages of \$1,000.00 for the violation of the FDCPA
11 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
12
13 c. All reasonable attorneys' fees, witness fees, court costs and other
14 litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §
15 1693k(a)(3); and
16 d. Any other relief deemed appropriate by this Honorable Court.
17
18

19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, ANITA POTTS, demands a jury
21 trial in this case.
22
23
24
25

1 RESPECTFULLY SUBMITTED,

2 DATED: 7/11/2016

KIMMEL & SILVERMAN, P.C.

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